

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.

2006 SEP 20 PM 4:37

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SO. DIST. OF GA.

LENARD HARRIS,

Petitioner,

v.

Case No. CV406-173

SHERIFF AL ST. LAWRENCE,  
GEORGIA COURTS, and  
SAVANNAH CHILD SUPPORT,

Respondents.

**REPORT AND RECOMMENDATION**

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion to proceed without prepayment of the \$5.00 filing fee. Docs. 1, 2. As it appears that petitioner lacks the resources to pay the filing fee, his motion to proceed *in forma pauperis* is **GRANTED**.

In the instant § 2254 petition, petitioner lists four grounds for relief but submits no factual allegations for consideration by the Court. Instead, petitioner simply references and loosely quotes from the First, Fifth, Eighth, and Fourteenth Amendments without any explanation of how those constitutional provisions were infringed. Such conclusory allegations, unsupported by any facts, do not comply with the rules governing § 2254

proceedings<sup>1</sup> or entitle petitioner to any relief. See Blackledge v. Allison, 431 U.S. 63, 75 n.7 (1977) (noting that notice pleading is not sufficient for habeas petition) (citing Advisory Committee Note to Rule 4, Rules Governing Section 2254 Cases); Beard v. Clarke, 18 Fed. Appx. 530, 531, 2001 WL 1006104, \*1 (9th Cir. Aug. 29, 2001) (affirming dismissal of habeas petition which raised conclusory allegations unsupported by any facts); Rule 2, Rules Governing Section 2254 Cases (requiring petitioner to state “facts supporting each ground” and “relief requested”). A § 2254 petition devoid of any factual support is subject to dismissal without prejudice.

Accordingly, the Court recommends that the instant petition be **DISMISSED** without prejudice for failure to present any factual allegations for relief.

**SO REPORTED AND RECOMMENDED** this 20<sup>th</sup> day of **September, 2006.**

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>1</sup> Petitioner has also ignored the clear instructions on his § 2254 form petition, which emphasize: “Summarize briefly the facts supporting each ground.” Doc. 1 at 5 (emphasis in original).